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July 26, 2022

VIA ELECTRONIC CASE FILING

Hon. Valerie Figueredo
United States Courthouse
500 Pearl St.
New York, NY 1007

Application Granted



Valerie Figueredo, U.S.M.J.

DATED: 7-28-2022

The settlement conference scheduled for August 9, 2022, is adjourned. The parties are directed to submit a joint letter regarding any settlement updates by no later than September 15, 2022.

Re: **All-Ways Forwarding v. M/V EVER LIBERAL, et al.**
SDNY Case: 21-cv-11071 (VSB) (VF)

Dear Judge Figueredo:

We represent Defendant Evergreen Marine Corp. (Taiwan) Ltd., (“Evergreen”) in the above referenced action. We write to respectfully request that this Court adjourn the settlement conference scheduled for August 9, 2022 pursuant to Magistrate Valerie Figueredo’s Standing Order Applicable to Settlement Conferences, Rule 9. We have conferred with Plaintiff’s counsel and they concur with our requested adjournment.

Request to Adjourn for Cause

Plaintiff All-Ways Forwarding, Inc. (“Plaintiff”) filed its Complaint in this action for the alleged loss overboard of a shipping container, Container No. EGHU9228611, onboard the M/V EVER LIBERAL on or about December 30, 2020, during a voyage across the Pacific Ocean. Plaintiff is a non-vessel operating common carrier whose customer was Century Sourcing, Inc. Plaintiff’s claim is one for indemnity that is already the subject of a lawsuit filed by cargo underwriters Navigator’s Management, Inc., in the Southern District of New York, case no. 21-cv-11134 (VSB) (the “Related Case”). The Related Case includes a subrogated claim for the cargo

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in Container No. EGHU9228611, which is the subject of this lawsuit. The claim relating to Container EGHU9228611 is in the amount of \$17,991.03 although Plaintiff's Complaint in this action alleges damages of \$65,000.

On June 15, 2022 this Court granted our previous request to adjourn the initial settlement conference originally scheduled for June 22, 2022 and rescheduled the settlement conference for August 9, 2022. At that time, Evergreen was actively discussing settlement in the Related Case, and had made a settlement proposal to Navigator's Management, Inc.'s lawyer in the Related Case. Since then, settlement talks have made meaningful progress and the Parties to the Related Case are close to reaching a settlement that, if accepted, will result in the release of Plaintiff from liability for the loss of Container No. EGHU9228611 in this action and dismissal of this action.

Based on the foregoing, for the sake of judicial economy and because an adjournment will permit discovery and the exchange of information that would make a conference more fruitful, Evergreen respectfully applies and requests that the scheduled settlement conference presently set for August 9, 2022, at 2:00 p.m. be adjourned. Evergreen and Plaintiff are aligned in the position that a settlement conference for this case may be completely avoided should Parties to the Related Case reach a settlement agreement. Instead of scheduling a settlement conference at this time, Evergreen requests that it be able to promptly notify Plaintiff and this Court, should settlement in the Related Case fall through, and at that time request a new date for the settlement conference.

Very truly yours,


Zachary J. Farley

ZJF